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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,496	02/10/2004	Jason H. Rich	RMT.01USU1	3240

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EXAMINER
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TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

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10/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/776,496

Applicant(s)

RICH, JASON H.

Examiner

Gregory G. Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/10/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is a first office action in response to application filed, with the above serial number, on 10 February 2003 in which claims 1-9 are presented for examination. Claims 1-9 are therefore pending in the application.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: In line 3, "software that it capable" is suggested to be amended properly. Appropriate correction is required.

Claim 8 is objected to because of the following informalities: In line 2, "can receive and storing" is suggested to be amended properly. Appropriate correction is required.

Claim 8 is objected to because of the following informalities: In line 4, "and receive and processor" is suggested to be amended properly. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "said networked devices" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said network connection" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes et al (hereinafter "Haynes", 6,993,681) in view of Kosaka (hereinafter "Kosaka", 2001/0056486).

As per Claim 1, Haynes teaches a dedicated networked device monitor comprising:

a network connection (at least col. 5:40-45; network);

a first processor that stores, sends, and receives messages over said network connection, sends messages to said networked devices and receives results from said networked devices, said first processor capable of analyzing said test results and sending control/status messages if said test results meet a predetermined criteria, said first processor further capable of storing said test results, receiving a query from a control computer, and transmitting said test results to said control computer (at least col. 5:64-6:17; col. 8:22-65; col. 9:31-33; system manager sending ping/heartbeat to client devices; data repository storing client process data);

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at least one switchable power outlet (at least col. 9:14-46; power outlet); and

a second processor adapted to receive a power cycle command from a first processor and turn off said switchable power outlet based on said power cycle command (at least col. 9:14-46; PDU cycling power from system manager).

Haynes fails to explicitly teach the messages being customized test messages. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Kosaka. Kosaka teaches a monitor probe server transmitting a monitoring command to monitored devices according to individual/custom configuration information (at least paragraph 59,64). Because both Haynes and Kosaka teach devices for monitoring network connected devices, it would have been obvious to one skilled in the art at the time of the invention to substitute one method for the other to achieve the predictable result of receiving a response from the connected device.

As per Claim 2. A monitoring system for monitoring networked devices comprising:

a network (at least col. 5:40-45; network);

at least one networked device that is connected to said network (at least Fig. 1:108,102,112,etc);

a control computer that is connected to said network (at least col. 9:61-10:33; administrator using client management module); and

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a dedicated networked device monitor having a first processor and a second processor, said first processor adapted to store, send, and receive messages and control commands over said network connection and to receive, and analyze results from said networked devices, said first processor further capable of sending messages to and receiving messages from a control computer and transmitting said results to said control computer (at least col. 5:64-6:17; col. 8:22-65; col. 9:31-33; col. 9:61-10:33; system manager sending ping/heartbeat to client devices; data repository storing client process data; client management module), and sending power cycle commands and other messages to said second processor connected to at least one switchable power outlet and capable of switching said switchable power outlet based on said power cycle commands (at least col. 9:14-46; PDU cycling power from system manager).

Haynes fails to explicitly teach the messages being test messages. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Kosaka. Kosaka teaches a monitor probe server transmitting a monitoring command to monitored devices according to individual/custom configuration information (at least paragraph 59,64). Because both Haynes and Kosaka teach devices for monitoring network connected devices, it would have been obvious to one skilled in the art at the time of the invention to substitute one method for the other to achieve the predictable result of receiving a response from the connected device.

As per Claim 3. The system of claim 2 further comprising: an administration computer that is connected to said network, said administration computer comprising software

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that it capable of creating, defining and storing network device diagnostic tests to a test library, said administration computer further comprising software to select said tests from said library, assign said tests to said networked devices, and transmit said tests to said first processor (at least col. 11:60-67; col. 9:61-10:16; col. 8:22-35; admin or other user using GUI to manage clients and selecting appropriate action, diagnostic, troubleshooting); and

control room builder software that is capable of creating customized control room graphical displays to display said test results and storing said displays to run on said control computer (at least col. 9:61-10:16; col. 8:22-35; col. 14:4-56; exemplary GUIs).

As per Claim 4. The system of claim 2 wherein said control computer is a handheld device (at least col. 5:40-63; handheld).

As per Claim 5. The system of claim 4 wherein said network connection is a wireless connection (at least col. 5:40-63; wireless).

As per Claim 6. The system of claim 2 wherein said first processor and said second processor include non-volatile memory wherein selected sections of said non-volatile memory may be locked to prevent unauthorized or accidental modification of the contents (at least col. 8:54-67; repository, backup).

As per Claim 8, Haynes teaches a method of monitoring networked devices comprising: providing a dedicated networked device monitor that can receive and storing networked device tests and can send control messages to said networked devices and receive and

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processor test results from said networked devices, said dedicated networked device monitor having switchable power outlets and being capable of switching said outlets (at least col. 5:64-6:17; col. 8:22-65; col. 9:31-33; col. 9:61-10:33; col. 9:14-46; PDU; system manager sending ping/heartbeat to client devices; data repository storing client process data);

connecting said dedicated networked device monitor through a network connection to said networked devices (at least col. 5:40-45; network);

connecting a power connection of said networked devices to said switchable power outlets of said dedicated networked device monitor (at least col. 9:14-46; power outlet);

providing a control computer having control room creation and display software, said control computer capable of sending messages to and receiving messages from said dedicated networked device monitor (at least col. 11:60-67; col. 9:61-10:16; col. 8:22-35; admin or other user using GUI to manage clients and selecting appropriate action, diagnostic, troubleshooting);

communicating with said dedicated networked device monitor through a network connection using said control computer (at least col. 5:40-45; Fig. 1; network);

monitoring test results from networked devices (at least col. 8:22-67; signal to system manager);

processing said test results (at least col. 8:22-67; based on information from repository);

and



sending control commands to said dedicated networked device monitor if said test results meet a specified criteria (at least col. 8:22-9:33; determine source of problem and solve it via eg. power cycle).

Haynes fails to explicitly teach the messages being customized test messages. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Kosaka. Kosaka teaches a monitor probe server transmitting a monitoring command to monitored devices according to individual/custom configuration information (at least paragraph 59,64). Because both Haynes and Kosaka teach devices for monitoring network connected devices, it would have been obvious to one skilled in the art at the time of the invention to substitute one method for the other to achieve the predictable result of receiving a response from the connected device.

As per Claim 9. The method of claim 8 wherein said step of communicating with said dedicated networked device monitor comprises communicating with said dedicated networked device monitor through a network connection using a control computer, said network connection being a wireless connection, said control computer being a handheld computer (at least col. 5:40-63; wireless handheld).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes in view of Kosaka, further in view of Ewing et al (hereinafter "Ewing", 2003/0126253).

Haynes and Kosaka fail to explicitly teach wherein said messages between said control computer and said monitor are encrypted such that interpretation of said messages requires a decryption key. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Ewing. Ewing teaches a power manager using encryption over a network (at least paragraph 98). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the known technique of encryption for protecting data to provide the protection desired in the network of Haynes and Kosaka.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Worley et al is cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory Todd



Patent Examiner

Technology Center 2100